

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2022 JUL 29 P 2:01

MICHAEL LEE YOUNGBLOOD, DEBRA B. HACKETT, CLK
Plaintiff, U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

) CIVIL ACTION NO.:

v.

)

2:22-cv-445-MHT-JTA

)

ARTEGUS L. FELDER

)

)

Defendants

NOTICE OF REMOVAL & SUBSTITUTION

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 2679 (d)(2) & 1442 (a)(1), *Michael Lee Youngblood v. Artegus L. Felder*, Case No. 03-DV-2022-900993.00, (District Court of Montgomery County, Alabama), is hereby removed to this Court, and the United States is substituted as party Defendant for Artegus L. Felder. In support of this Notice, the United States, by and through Sandra J. Stewart, United States Attorney for the Middle District of Alabama, respectfully states that:

1. Artegus Felder is named as Defendant in, *Michael Lee Youngblood v. Artegus L. Felder*, Case No. 03-DV-2022-900993.00, (District Court of Montgomery County, Alabama). The complaint alleges that Mr. Felder came to a stop sign on McKinley Avenue, and that he proceeded without caution striking Mr. Youngblood's vehicle head on. This accident occurred in Montgomery, Alabama, on April 11, 2020.

2. Pursuant to 28 U.S.C. § 2679 (d)(2), the United States Attorney for the Middle District of Alabama has certified that Artegus Felder was acting within the scope of his federal office or employment at the time of the incident out of which plaintiff's claims arise. *See*, 28

C.F.R. § 15.3 (2003) (delegating the Attorney General's certification authority to the United States Attorneys). A copy of the U. S. Attorney's scope-of-employment certification is filed with this Notice as Exhibit A.

3. Removal to this Court has occurred by operation of law based upon the Attorney General's scope-of-employment certification. 28 U.S.C. § 2679(d)(2); 42 U.S.C § 233(c), (l). The Attorney General's certification conclusively establishes removal jurisdiction in this Court. 28 U.S.C. § 2679(d)(2); *Gutierrez De Martinez v. Lamagno*, 515 U.S. 417, 431 (1995). *See* Scope-of-Employment Certification, Exhibit A.

4. Substitution of the United States as party Defendant for Arteus Felder has occurred by operation of law, and this action shall proceed as an action against the United States under the FTCA, 28 U.S.C. §§ 1346(b), 2671-2680. 28 U.S.C. § 2679 (d)(2).

5. Pursuant to 28 U.S.C. § 1446, copies of all process, pleadings, and orders filed in State court are attached as Exhibit B.

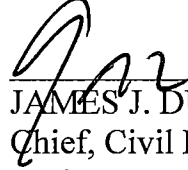
WHEREFORE, pursuant to 28 U.S.C. §§ 2679 (d) (2) & 1442 (a) (1), *Michael Lee Youngblood v. Arteus L. Felder*, Case No. 03-DV-2022-900993.00, (District Court of Montgomery County, Alabama) has been removed to this Court and the United States has been substituted as party Defendant for Arteus Felder.

Respectfully submitted this 29 day of July, 2022.

Respectfully submitted,

SANDRA J. STEWART
United States Attorney

By:

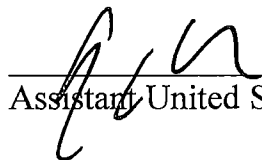

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing upon all parties of record by mailing a copy of same, first class, postage prepaid, addressed as follows:

Joe Reed & Associates LLC
524 South Union Street
Montgomery, AL 36104

Dated this 29 day of July, 2022.


Assistant United States Attorney